

**UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK**

DERELL MEYNARD, individually and on behalf of all others  
similarly situated,

Plaintiffs,

- *against* -

WHOLE FOODS MARKET GROUP,

Defendants.

Case #: 18-CV-  
00086(SJF)(AKT)

DECLARATION OF  
ESTEBAN FLORES

I, Esteban Flores, declare under penalty of perjury, pursuant to 28 U.S.C. § 1746, that the following is true and correct to the best of my knowledge and belief.

1. My name is Esteban Flores. I currently reside in the State of New York, Bronx County.
2. I was employed as a team member of the produce department by Whole Foods Market Group at its Upper West Side store—located at 808 Columbus Avenue, New York, New York 11025—in 2012.
3. During my employment with the Defendants, the produce department consisted of approximately 40 employees.
4. All 40 employees were manual laborers. Their responsibilities required that they work with their hands far in excess of 25% of the time. Responsibilities include unpacking shipments of produce, stocking shelves, rotating inventory, creating and maintaining displays, and keeping the department clean and organized.
5. No member of the produce department is exempt from working on the sales floor and completing the previously mentioned responsibilities. This includes positions like

Produce Buyer, a position I held for approximately the last two years I was employed by the Whole Foods Market Group.

6. Produce Buyers—who are responsible for taking inventory and placing order for more produce—only do so for at most an hour and a half of an eight-hour shift. Once the Buyer places the order, they must return to the sales floor to continue to complete the responsibilities of a regular produce department team member.
7. Produce Buyers are not any different from a regular produce department team member. The added daily responsibility of taking inventory and placing orders for more produce took me an hour and a half to complete. I needed to finish placing orders as soon as possible so that I may return to the sales floor and continue pushing out the products. As a Produce Buyer, I had more of an interest to make sure I did my best work on the floor because I needed to make sure that the inventory I was placing orders for was being pushed out correctly.
8. During my employment with Whole Foods Market Group, there were at least 300 employees in total at the Upper West Side location.
9. Of the 300 employees at the Upper West Side store, 290 of the employees, or 95%, are manual laborers. Departments like seafood, grocery, bakery, specialty, prepared foods, among others, perform similar functions and responsibilities. Departments like seafood, grocery, bakery, specialty, prepared foods, among others, perform similar functions and responsibilities to those of the produce department. Their job is to unpack shipments, stock their department, rotate inventory, create and maintain displays, assist customers and keep their department clean and organized. Cashiers also are engaged in physical activity virtually all day.

I declare that the foregoing is true and correct.

Dated: Huntington, New York  
November 25, 2020



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Esteban Flores